

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11cv141**

TAMMY BRYAN)
)
Plaintiff,)
)
v.) **ORDER**
)
KATHY J. BRYAN, formerly known as)
Kathy J. Chidnese,)
)
Defendant.)
)
-----)

Pending before the Court is the Plaintiff's Motion to Stay [# 28]. Plaintiff moves the Court to stay these proceedings based on the filing of Chapter 11 bankruptcy proceedings in Indiana. As a threshold matter, Plaintiff has not complied with Local Rule 7.1(B), which requires that the moving party file both a motion and a legal brief. In addition, Plaintiff's motion fails to set forth any legal authority for staying these proceedings. Accordingly, the Court **DENIES without prejudice** Plaintiff's motion [# 28].

Upon the filing of a motion and separate brief that complies with the local rules and contains legal authority supporting the relief requested, the Court will consider whether it will stay these proceedings pending the bankruptcy proceedings. The Court, however, **DIRECTS** Plaintiff that if it renews her

motion, the legal brief must address whether this case is subject to an automatic stay pursuant to 11 U.S.C. § 362 or whether as an action brought by the debtor, the case may proceed in this forum simultaneously with the bankruptcy proceedings.

See generally, Martin-Trigona v. Champion Fed. Sav. & Loan Ass'n, 892 F.2d 575, 577-78 (7th Cir. 1989).

Signed: May 15, 2012

Dennis L. Howell
Dennis L. Howell
United States Magistrate Judge

